

07 The present invention will now be described in more detail using the following Examples. However, the Examples are merely illustrative in nature and should not be construed to limit the spirit and scope of the claims.

In the Sequence Listing:

Please replace the Sequence Listing of record pages 55-74 with the attached substitute Sequence Listing consisting of pages 55-88.

Please renumber pages 75-82 of the original application papers containing the claims and abstract as pages 89-96.

In the Abstract:

Page 82, line 1, replace the heading with the following new heading:

ABSTRACT OF THE DISCLOSURE

In the Claims:

Kindly cancel claims 1-21 and 27-49 without prejudice.

Please amend the following claims as indicated.

23. (Amended) The Aspergillus mold fungus according to claim 22, which is missing all or part of a β -fructofuranosidase gene on its chromosome DNA.

24. (Amended) The *Aspergillus* mold fungus according to claim 23, which is an *Aspergillus niger*.

25. (Amended) The *Aspergillus* mold fungus according to claim 24, which is *Aspergillus niger* NIA1602 (FERM BP-5853).

26. (Amended) A process for producing a β -fructofuranosidase comprising:
transforming the mold fungus according to claim 22, using a DNA construction
comprising a DNA encoding a β -fructofuranosidase,
cultivating the transformant, and
collecting the β -fructofuranosidase from the transformant and/or the culture thereof.

Kindly add the following new claims.

50. A process for producing a β -fructofuranosidase comprising:
transforming the mold fungus according to claim 23, using a DNA construction
comprising a DNA encoding a β -fructofuranosidase,
cultivating the transformant, and
collecting the β -fructofuranosidase from the transformant and/or the culture thereof.

51. A process for producing a β -fructofuranosidase comprising:

transforming the mold fungus according to claim 24, using a DNA construction comprising a DNA encoding a β -fructofuranosidase,
cultivating the transformant, and
collecting the β -fructofuranosidase from the transformant and/or the culture thereof.

52. A process for producing a β -fructofuranosidase comprising:
transforming the mold fungus according to claim 25, using a DNA construction comprising a DNA encoding a β -fructofuranosidase,
cultivating the transformant, and
collecting the β -fructofuranosidase from the transformant and/or the culture thereof.

REMARKS

Favorable consideration is respectfully requested in view of the foregoing amendments and the following remarks.

The specification has been amended to effect the changes which were effected in the parent application.

Claims 1-21 and 27-49 have been cancelled without prejudice, claims 23-26 have been amended, and new claims 50-52 have been added. The claim amendments have been presented to put the claims in better form under U.S. practice. The pending claims, claims 22-26 and 50-52, are directed to the non-elected subject matter cancelled in the parent application. Support for the